1 The Honorable Richard A. Jones 2 The Honorable James P. Donohue 3 4 5 6 UNITED STATES DISTRICT COURT 7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 KYLE LYDELL CANTY, 9 Plaintiff, No. 2:16-cv-01655-RAJ-JPD 10 VS. 11 CITY OF SEATTLE, et. al., (PROPOSED) ORDER GRANTING KING COUNTY DEFENDANTS' 12 Defendants. MOTION FOR DISMISSAL UNDER FRCP 37(d) AND LCR 41(b) AND SUMMARY JUDGMENT 13 14 THIS MATTER, having come before the Court on the King County Defendants' 15 Motions to Dismiss and Motion for Summary Judgment, pursuant to FRCP 37, 41 and 56, 16 and the Court having considered the pleadings filed and the follow evidence filed herein, 17 including: 18 1. King County Defendants' Motion; 19 2. Fourth Declaration of Samantha Kanner; 20 3. Plaintiffs Opposition to Summary Judgment, if any; 21 4. King County Defendants' Reply, if any; 22 5. And the records and pleadings filed in this matter. 23 **Daniel T. Satterberg**, Prosecuting Attorney CIVIL DIVISION, Litigation Section PROPOSED ORDER GRANTING KING COUNTY DEFENDANTS'

NTS'

MOTION FOR SUMMARY JUDGMENT - 1

Daniel T. Satterberg, Prosecuting Attorne CIVIL DIVISION, Litigation Section 900 King County Administration Building 500 Fourth Avenue Seattle, Washington 98104 (206) 296-0430 Fax (206) 296-8819

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| 1  | Based on the evidence presented, the Court finds that the appropriate sanction for Plaintiff's  |
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| 2  | failure to appear at his deposition is dismissal. Alternatively, the Court finds that there is no   |
| 3  | genuine issue of any material fact and the King County Defendants are entitled to judgment as a   |
| 4  | matter of law.  |
| 5  | NOW, THEREFORE, IT IS HEREBY ORDERED that King County Defendants' Motions to  |
| 6  | Dismiss and for Summary Judgment are GRANTED and all of plaintiff's claims are dismissed  |
| 7  | with prejudice.   |
| 8  | DONE this day of, 2017.   |
| 9  |   |
| 10 | Honorable Richard A. Jones  |
| 11 | Honorable James P. Donohue  |
| 12 | Presented by:   |
| 13 | niel T. Satterberg  |
| 14 | King County Prosecuting Attorney  |
| 15 | By: /s/Samantha D. Kanner   |
| 16 | SAMANTHA D. KANNER, WSBA # 36943 Senior Deputy Prosecuting Attorney   |
| 17 | Attorneys for King County Defendants  |
| 18 | Copy received:  |
| 19 |   |
| 20 | By:<br>AMEE TILGER WSBA #34613  |
| 21 | Freimund Jackson & Tardif, PLLC Attorneys for City of Seattle Defendants  |
| 22 |   |
| 23 | By: KYLE LYDELL CANTY Plaintiff, pro se   |
|    | PROPOSED ORDER GRANTING KING COUNTY DEFENDANTS'  Daniel T. Satterberg, Prosecuting Attorne CIVIL DIVISION, Litigation Section 900 King County Administration Building |

MOTION FOR SUMMARY JUDGMENT - 2

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